

SECTION 10

DISCIPLINARY RESPONSIBILITY, GROUNDS AND ORDER

10-1. Responsibility for Discipline. Basic responsibility for discipline is vested in the Department Head.

Progressive discipline which normally involves a verbal reprimand, written reprimand, suspension and termination shall be administered fairly and consistently by the Department Head. Severity of the offense will determine the steps required for progressive discipline. In cases of conflict or other reasons, the City may investigate and recommend appropriate action.

10-2. Uniform Sanctions. When imposing demotions, suspensions without pay, termination, or imposing other sanctions, like sanctions shall be imposed for like offenses.

10-3. Misconduct. The following misconduct may be grounds for disciplinary action:

- a. Chargeable accident.
- b. Using profane or blasphemous language.
- c. Displaying bad or ungovernable temper.
- d. Lack of promptness in execution of duties.
- e. Neglect of duty or absence from Post of Duty without leave from proper authority
- f. Uncivil or discourteous conduct toward citizens or supervisors.
- g. Lounging or idling on duty.
- h. Tardiness (excessive and unexcused).
- i. Unexcused and/or lack of neatness in person or dress, reasonably compatible with position held.
- j. The commitment of any crime relating to public morals and decency, or drunkenness, or violation of the liquor laws, or other laws involving moral turpitude.
- k. Violation of any City ordinance or State statute, whether or not a formal criminal charge is filed, or of the adopted Rules or of the Department rules wherein employed, relating to the conduct and authority of the employees.
- l. Untruthfulness or dishonesty.

- m. Failure to observe applicable administrative rules.
- n. Misuse of City property or equipment.
- o. Using or uttering disrespectful language about or concerning another officer or employee. Making derogatory remarks about other employees of the Department either to employees of the Department or to anyone outside of the Department, provided they may do so to their supervisor, the Department Head, or the Mayor.
- p. Committing any act or participating in any undertaking for the purpose of unfairly or dishonestly causing an employee's merit rating to be either raised or lowered.
- q. Receiving or accepting money or anything of value for special favors to persons or individuals in connection with official duty.
- r. Willfully disobeying the orders of a supervisor.
- s. Conduct tending to bring discredit upon the Department.
- t. Any other misconduct, inefficiency or dereliction of duty.
- u. Any behavior that adversely affects job performance or which disrupts the workplace, undermines the authority of management, impairs close working relationships, or otherwise impedes a safe, efficient, and effective workplace environment.

10-4. Incompetency or Failure to Perform Duty. The following actions may be grounds for a charge of incompetency or failure to perform duty:

- a. Failure to maintain a performance evaluation rating of fully successful for any two (2) years.
- b. Failure to maintain a satisfactory physical record. A physical examination may be required of any employee by the Department Head.
- c. Habitual neglect of personal appearance while on duty.
- d. Cowardice or indolence.
- e. Failure in the performance of those duties that are required under the law to be performed.
- f. Neglect of duty.
- g. Conduct subversive to good order and the discipline of the Department where employed.

The examples of prohibited behavior described in 10-3 and 10-4 are not intended to be an all inclusive list.

10-5. Pre-Disciplinary Conference. When allegations of misconduct are made against an employee, a pre-disciplinary conference is held before a disciplinary decision is made, whereby the employee is given (1) written notice of charges being alleged; (2) an explanation of the evidence; and (3) the opportunity to present the employee's version of the facts surrounding the allegations and any and all information the employee wants the Department Head to consider before making a disciplinary decision. This process does not apply to employees on probation, since probationary employees are at-will.

10-6. Disciplinary Orders. All Public Safety Service employees are subject to disciplinary action including discharge, demotion, suspension, or reprimand by the Department Head for misconduct, incompetency, failure to perform their duties or failure to properly observe the rules of their respective Departments, subject to appeal as provided herein. Disciplinary orders must be in writing signed by the Department Head, and may be in letter form properly dated, addressed to the employee against whom the disciplinary order is taken, and must advise the employee of the disciplinary action taken and the effective date thereof. A copy of such order shall be placed in the employee's personnel file.